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May 10, 2012

VIA ECF AND REGULAR MAIL

The Honorable Madeline Cox Arleo, U.S.M.J.
 United States District Court for the District of New Jersey
 M.L. King, Jr. Federal Building and Courthouse
 50 Walnut Street, Room 2060
 Newark, New Jersey 07102

Re: Proponent Federal Credit Union v. Cumis Insurance Society, Inc.
Docket No.: 2:11:CV-05760

Dear Magistrate Judge Arleo:

As Your Honor is aware, this firm represents Plaintiff Proponent Federal Credit Union ("Plaintiff" or "Proponent") in the above-captioned matter. We write to inform you that our attempts to schedule a meet and confer with Defendant CUMIS Insurance Society, Inc. ("Defendant" or "CUMIS") prior to the conference call with Your Honor – scheduled to take place tomorrow, May 11, 2012, at 12:30 P.M. – have proven to be futile for the reasons set forth in greater detail below.

Proponent's Discovery Requests:

On December 29, 2011, Proponent forwarded a First Set of Interrogatories ("Interrogatories") and First Request for Production of Documents ("Document Demands") to CUMIS. On January 30, 2012, we received CUMIS's responses to Proponent's discovery requests; however, CUMIS did not produce any responsive documents until April 20, 2012. On March 29, 2012, we sent CUMIS a letter (the "First Deficiency Letter"): (1) noting multiple deficiencies with respect to CUMIS's responses to Proponent's discovery requests; (2) demanding that CUMIS provide more specific answers thereto; and (3) demanding that CUMIS immediately provide documents responsive to Proponent's Document Demands. On April 17,

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2012, CUMIS responded to Proponent's March 29, 2012 letter; however, CUMIS still did not produce responsive documents until three days later, on April 20, 2012. On that same date, CUMIS also produced a privilege log.

On May 2, 2012, we sent an email to CUMIS seeking to schedule a meet and confer on either May 9, 2012 or May 10, 2012, in light of your May 11, 2012 conference call. CUMIS did not respond to this email. On May 7, 2012, we sent a letter to CUMIS (the "Second Deficiency Letter"): (1) noting several deficiencies with respect to CUMIS's responses to Proponent's Document Demands based on a review of CUMIS's written responses and corresponding document production, which had only been produced on April 20, 2012 – nearly four months after the Demands were initially sent to CUMIS; (2) requesting that CUMIS provide more specific answers to the Document Demands on or before May 8, 2012, in light of the May 11, 2012 conference call; and (3) asking CUMIS to indicate its availability for a meet and confer prior to the conference call – as CUMIS did not respond to Proponent's May 2, 2012 email.

On May 8, 2012, we received an email from CUMIS indicating that it cannot respond to Proponent's Second Deficiency Letter by May 8, 2012, and ignoring Proponent's request for a meet and confer. As such, CUMIS has given Proponent no indication that it is willing to meet and confer with regard to the discovery issues pending in this case prior to tomorrow's conference call before Your Honor.

CUMIS's Discovery Requests:

On February 3, 2012, CUMIS forwarded a First Set of Interrogatories ("CUMIS's Interrogatories") and First Request for Production of Documents ("CUMIS's Document Demands") to Proponent. On March 14, 2012, Proponent sent CUMIS responses to its discovery demands and, a week later – on March 21, 2012 – Proponent produced documents responsive to CUMIS's Document Demands. On April 19, 2012, CUMIS sent a letter to Proponent outlining alleged deficiencies with respect to Proponent's responses to CUMIS's discovery demands, to which Proponent responded on May 7, 2012. As of this date, Proponent is willing to meet and discuss any pending issues with respect to CUMIS's discovery requests; however, as noted above, CUMIS has ignored Proponent's attempt to schedule a meet and confer prior to the tomorrow's conference call.

Respectfully submitted,

GENOVA BURNS GIAN TOMASI & WEBSTER


HARVEY WEISSBARD

HW/JAJ/cp

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cc: Arthur H. Aizley, Esq. (via electronic e-filing)

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